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**FACSIMILE TRANSMISSION
FAX RECEIVED****OFFICIAL**

DATE: JUNE 11, 2003

JUN 12 2003

To:

GROUP 1600

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NAME	FAX NO.	PHONE NO.
Howard Owens Jr.	703-308-4556	703-306-4538

FROM: Robert D Fish, Esq.

RE: Final Office Action Response

OUR REF: 100848.213102US4	NUMBER OF PAGES, INCLUDING COVER: 10
PATENT APPLICATION NO. 09/624855	
SPECIFIC MODULATION OF TH1/TH2 CYTOKINE EXPRESSION	
RJBAPHARM - ROBERT TAM	

MESSAGE:

Please see the attached Response After Final and accompanying documents.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE TO DELIVER THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

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2022/XXX-
302/04/03

Attorney's Docket No. 100848.213102US4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Robert Tam**

Application No.: **09/624,855**

Filed: **June 25, 2000**

For: **Specific Modulation of TH1/TH2 Cytokine Expression by Ribavirin in Activated T-Lymphocytes**

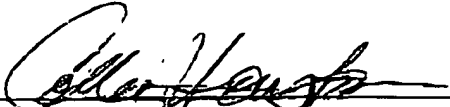
**Commissioner for Patents
Alexandria, VA 22313-1450**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (703) 308-4556 on the date shown below:

Amendment After Final Rejection Transmittal (2 pages), Response After Final Rejection (5 pages), Notification of Filing of Continuing, Divisional or Continued Prosecution Application.

6/11/03
Date


Collene K. Houston

(Certification of Facsimile Transmission)

Practitioner's Docket No 100330.213102US4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Tam, Robert**

Group No.: **1623**

Application No.: **09/624,855**

Examiner: **H. Owens**

Filed: **07/25/2000**

**For: Specific Modulation of TH1/TH2 Cytokine Expression
by Ribavirin in Activated T-Lymphocytes**

**Assistant Commissioner for Patents
Alexandria, VA 22313-1450**

**NOTIFICATION OF FILING OF CONTINUING, DIVISIONAL
OR CONTINUED PROSECUTION APPLICATION**

Notification is hereby being made of the filing of a divisional application for this case concurrently herewith.

Date: _____

6/11/03



Robert D. Fish

Reg. No.: 33,880

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(Notification of Filing of Continuing, Divisional or Continued Prosecution Application—page 1 of 2)

Practitioner's Docket No. 100848.213102US4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of: **Tam, Robert**Group No.: **1623**Application No.: **09/624,855**Examiner: **J. Wilson**Filed: **07/25/2000**For: **Specific Modulation of TH1/TH2 Cytokine Expression by Ribavirin in Activated T-Lymphocytes**

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP
1623**

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

STATUS

2. Applicant is other than a small entity.

CERTIFICATE OF FEDERAL EXPRESS MAILING (37 C.F.R. section 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with Federal Express Delivery Service on the date shown below with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, bearing label no. EV 193156694 US

Date: _____

Collene Houston
Amendment or Response After Final Rejection--page 1 of 2

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

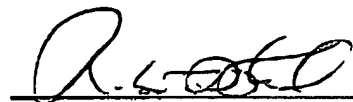
	(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit Fee
Total	7	Minus 20	= 0	x \$18 =	\$0
Indep	2	Minus 3	= 0	x \$84 =	\$0
First Presentation of Multiple Dependent Claim				+ \$280 =	\$0
Total					\$0

No additional fee for claims is required.

FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 502191.
If any additional fee for claims is required, charge Account No. 502191.

Date: 6/11/03



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RE: Final Office Action

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PATENT APPLICATION NO. 09/624855	
SPECIFIC MODULATION OF TH1/TH2 CYTOKINE EXPRESSION	
RJBAPHARM - ROBERT TAM	

MESSAGE:

It has come to our attention that the dosage indicated in claim 2 is incorrect in our Response to Final Office Action, faxed earlier today. The dosage for claim 2 should be μM instead of $\mu\text{g/ml}$ as indicated in our Response to Office Action filed on January 27, 2003. We wish to bring this to the Examiner's attention in order to avoid confusion. This is merely a typographical error in our Response After Final and should not be construed as additional subject matter. Attached is a corrected copy of the claims showing the amendments entered in response to the Final Office Action.

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2022/XXX-
06/11/03

Patent
100848.213102US4

A list of the claims amended or added herein, identifying the amendments entered herein, is set forth below.

1. Canceled
2. (Amended) A method of modulating Type 1 and Type 2 response in activated T cells of a human patient comprising administering ribavirin to the T cells in a dosage to promote the Type 1 response and suppress the Type 2 response. [The method of claim 1] wherein the amount of ribavirin added provides a concentration of about 0.25 - 6.7 μ M in a medium supporting the lymphocytes.
3. Canceled.
4. (Amended) A method of treating a patient having a disease which includes a viral component and a non-viral component, the non-viral component being characterized by reduced Type 1 levels and increased Type 2 levels in activated T-lymphocytes, comprising administering ribavirin to the patient under a protocol intended to promote the Type 1 response and suppress the Type 2 response, and [The method of claim 3 further comprising] adding interferon alpha to the lymphocytes.
5. Canceled.
6. (Amended) A method of inhibiting a virus by growing a virus in an environment having lymphocytes which produce Type 1 and Type 2 cytokine responses, and adding ribavirin to the environment in a concentration for the purpose of increasing the Type 1 response and suppressing the Type 2 response. [The method of claim 5] wherein the virus comprises Hepatitis C.
7. (Amended) The method of claim [5] 6 wherein the environment comprises a liver.
8. (Amended) The method of claim [5] 6 wherein the environment comprises hepatocytes.
11. Canceled.